

**STATE OF CALIFORNIA  
DEPARTMENT OF INSURANCE  
45 Fremont Street, 24<sup>th</sup> Floor  
San Francisco, California 94105**

**File No. RH03032089  
February 28, 2005**

**NOTICE OF AVAILABILITY OF CHANGED TEXT**

On June 9, 2004, the Insurance Commissioner of the State of California (Commissioner) issued a Notice of Proposed Action and Notice of Public Hearing, proposing amendments to title 10, California Code of Regulations sections 2698.61 and 2698.62 concerning the Automobile Fraud Insurance Fraud Program. On July 26, 2004, the Commissioner held a public hearing and received written public comment in response to the Notice.

**PUBLIC COMMENT INVITED ON CHANGES**

As a result of the public comments, the Commissioner has proposed changes to certain provisions of the proposed amendments in response to public comment, and now solicits written comments on those changes only, which are attached. Comments submitted on unchanged portions will not be considered.

The Commissioner believes the changes made are either non-substantial or solely grammatical in nature, or sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. Accordingly, pursuant to the provisions of California Government Code Section 11346.8(c), the Commissioner is soliciting written public comment on the changes. A copy of the changes, with the proposed changes clearly indicated, is available for public comment for at least 15 days. Amendments as initially proposed are indicated in single ~~strike-out~~; additions in underline. Proposed changes to the text from those initially proposed that were made on August 9, 2004 are indicated in double ~~strike-out~~ and double underline. Proposed changes to the text from those initially proposed or the changes previously made on August 9, 2004 are indicated in **boldface type** in **double ~~strike-out~~ and double underline**.

**CONTACT PERSON:**

All written comments submitted in response to this Notice and all questions regarding this Notice should be directed to:

Gene Woo, Staff Counsel  
45 Fremont Street, 24<sup>th</sup> Floor  
San Francisco, 94105  
(415) 538-4496

Question regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person.

#### SUBMISSION OF WRITTEN COMMENTS:

All written comments on the changes must be received by the Insurance Commissioner, at the address listed above, no later than **5:00 p.m. on March 16, 2005**.

#### COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: [woog@insurance.ca.gov](mailto:woog@insurance.ca.gov). The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Gene S. Woo and sent to the following facsimile number: (415) 904-5729. Comments sent to e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadlines set forth above for written comments. Comments transmitted via facsimile machine will not be accepted or considered.

#### ACCESS TO COPIES – CONTACT PERSON

Any interested person may inspect a copy of the proposed regulations and any supplemental information contained in the rulemaking file. The rulemaking file is available for inspection at 45 Fremont Street, 24<sup>th</sup> Floor, San Francisco, California, between the hours of 9:00 and 4:30 p.m., Monday through Friday.

Gene Woo, Staff Counsel  
45 Fremont Street, 24<sup>th</sup> Floor  
San Francisco, 94105  
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#### WEBSITE POSTINGS

Documents concerning this proceeding are available on the CDI's website. To access them, go to <http://www.insurance.ca.gov/docs/index.html>. Near the right side of the page under "Quick Links" go to the bottom of the list and click on "Legal Information." On the next page, click on "Proposed Regulations" In this section, scroll down until you see the subheading "Search." Enter RH03032089 (the Department's regulation file number for these regulations) in the "Search for" field. Alternatively, search using as your search term the California Insurance Code number of a code section that the regulations implement (for instance, "1874.8"), or search by key words ("assessment" for example). Then, click on the "Submit" button to display links to the various filing documents."

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear. Find in the list the "organized automobile fraud assessment" link, and click it. Links to the documents associated with these regulations will then be displayed.

#### AUTOMATIC MAILING:

A copy of this notice, together with the text of the proposed changes to the Plan, will automatically be sent to all those who testified at the public hearing, all those who submitted

written comments at the public hearing, all persons whose comments were received during the public comment period, all persons who submitted written requests for copies of information regarding the proposal, and all persons who submitted written requests for notification of the availability of such changes.